

Message Text

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PAGE 01 STATE 018303
ORIGIN SCSE-00

INFO OCT-01 AS-01 AF-08 ISO-00 COME-00 SCA-01 EB-08 /019 R

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FM SECSTATE WASHDC

TO AMEMBASSY LAGOS

INFO AMCONSUL IBADAN

AMCONSUL KADUNA

UNCLAS STATE 018303

E.O. 11652:N/A

TAGS: CGEN, BDIS

SUBJECT: SERVICE OF PROCESS ON ULYSSES JAMES MONTGOMERY

REF: 7 FAM 874.2; 76 LAGOS 14288; LAGOS 670

1. NEITHER REFTEL RECEIVED IN SCS UNTIL 1/26.

2. FOR FUTURE REFERENCE, OFFICERS OF FOREIGN SERVICE ARE PROHIBITED FROM SERVING PROCESS, ANY COURT ORDER TO CONTRARY NOTWITHSTANDING. SEE 7 FAM 874.2 AND 22 C.F.R. 92.85.

3. ONLY CIRCUMSTANCE UNDER WHICH OFFICERS MAY SERVE PROCESS IS WHEN INSTRUCTED TO DO SO BY DEPT. DEPT WILL AUTHORIZE SERVICE BY OFFICER ONLY IN CASES OF SUBPOENAS ISSUED BY FEDERAL COURTS ON A SHOWING THAT THE APPEARANCE OF WITNESS IS NECESSARY IN INTEREST OF JUSTICE. SERVICE OF ANY OTHER
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DOCUMENT WILL BE AUTHORIZED ONLY UNDER MOST EXCEPTIONAL CIRCUMSTANCES.

4. EMBASSY'S BELIEF THAT OFFICER COULD SERVE PROCESS APPARENTLY RESTS ON 7 FAM 874.3-2. HOWEVER, THAT PROVISION APPLIES ONLY TO SERVICE OF SUBPOENA, NOT TO SERVICE OF SUMMONS AND COMPLAINT OR ANY OTHER DOCUMENT.

SUBPOENA IS A COURT ORDER REQUIRING A PERSON TO APPEAR AT A PLACE DESIGNATED BY A COURT AND TESTIFY. SUMMONS IS A NOTICE TO AN INDIVIDUAL INFORMING HIM OF A PROCEEDING AT WHICH HIS RIGHTS WILL BE ADJUDICATED.

5. FYI: ALTHOUGH OFFICER WAS PROHIBITED FROM EFFECTING SERVICE, DEPT CONSIDERS THAT VALIDITY OF SERVICE IN THIS CASE WAS NOT AFFECTED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: JS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770112/aaaaakds.tel
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Litigation History:
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Office: ORIGIN SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Handling Restrictions: n/a
Reference: 76 LAGOS 14288, 77 LAGOS 670
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Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12-Oct-2004 12:00:00 am
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Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
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Review Withdrawn Fields: n/a
SAS ID: 3483128
Secure: OPEN
Status: NATIVE
Subject: SERVICE OF PROCESS ON ULYSSES JAMES MONTGOMERY
TAGS: CGEN, BDIS, (MONTGOMERY, ULYSSES JAMES)
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Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/6cb638d0-c288-dd11-92da-001cc4696bcc
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